

# **RECORD OF PROCEEDINGS**

## **MEETING OF COUNCIL**

August 9, 2010

The City of Union council meeting was called to order by Mayor Goudy on August 9, 2010 at 7:30, Monday evening.

Attendance was taken and the following council members were present: Mr. Bruns, Mrs. Oberer, Mrs. Kyle, Mayor Goudy, Mr. O'Callaghan, Mr. Blackwell, and Mrs. Perkins.

Other city staff members present were John P. Applegate, City Manager, Denise Winemiller, Clerk of Council, and Joe Moore, Law Director.

1. Mayor Goudy asked if there were any additions or corrections on the minutes from the July 12, 2010 council meeting. There were no corrections or additions so Mr. O'Callaghan moved that the minutes be accepted as prepared. Mr. Bruns seconded the motion. Mrs. Perkins abstained and the other council members voted in favor of the motion. The minutes were accepted as prepared.

Mayor Goudy called for a moment of silence.

2. Mayor Goudy asked if there were any comments from the citizens and visitors in the audience.

Mayor Goudy recognized Patrick Gies, 416 Joellen Place. He said there was a vacant lot two doors down from his house. He said he has worked with the city and has been calling them to have the lot mowed. He said he had talked to Mr. Green about this and two violations have been sent. He said he had also called and left a message for the City Manager. He said the uncut lawn was bothering his allergies.

Mr. Applegate asked if the grass has been cut and Mr. Gies said it had been cut. Mr. Applegate said that when Mr. Gies called, he had checked into the situation and talked to the zoning inspector and had driven by and looked at the property. He said every time that Mr. Gies has called the owner has been cited and the grass has been cut. He said that they had taken pictures of the yard before it

had been cut and he showed those to the council. Mr. Applegate said the lawn did have buckhorns as most lawns do this time of year. Mr. Applegate said he thought the matter had been resolved. He said the city does not just go out and cut lawns.

Mr. Applegate said these are the last two building lots in Union Ridge. The lots are owned by a person that bought the properties to build on. Mr. Applegate said he understood Mr. Gies would like the lots to be cut the same as his yard but these are vacant building lots.

Mr. Applegate said when they changed the regulations on grass height from eight inches down to six inches, they did that because of the residential lots with houses being built and the time span involved between citing people and getting the lots mowed. The property owner of these vacant lots believes that he has maintained the lots. Mr. Applegate said they have cited the property owner and he has responded. Mr. Applegate said they have sent notices each time because Mr. Gies had called and complained.

Mr. Gies asked to see the notices that were sent. He said he was glad the code was set at six inches. Mr. Applegate said the lot was cut and was in compliance.

Lana Wojton, 417 Joellen Place had signed up to speak. She said she lives across the street from Mr. Gies. Ms. Wojton said that the lawn has been worse this year and that the lot is cut every four to six weeks. She said that she was told that the city did not have the money and personnel to cut the lots and bill the owner.

Mr. Applegate said if she would look at other communities, she would see that Union does better than most of the other cities on getting lots cut. Mr. Applegate said they have worked on getting all of the building lots in the subdivisions maintained. If the city can't get the builders to cut the lots, they hire someone else and put those charges on the taxes. In this case, every time they have cited the owner, he has cut the grass. Mr. Applegate said he has looked at the pictures and talked to Mr. Green. Mr. Applegate said he will personally watch this property more closely.

Mr. Applegate explained that the city was the one that changed the violation height from eight inches down to six inches to help the existing homeowners. The developers would prefer that the city would have kept the violation height at eight inches. Mr. Applegate said he would be driving by and taking a look at the lot and Ms. Wojton thanked him.

3. ONE READING - RESOLUTION 10-08 - A RESOLUTION ENDORSING THE MULTI-COUNTY ADVANTAGE SHARING PROGRAM.

Mr. Applegate said that he and the Mayor had been asked to meet with Professor Jack Dustin from Wright State at city hall. They were talking about what could be done for the area as far as employee retraining. This resolution is the outcome of that program. It is called Advantage Sharing Program or ASP. The program is not funded but they have received a grant for ninety thousand dollars from the state. Union had passed a resolution to participate and help get the grant from the State of Ohio. The program will be seeking funds from foundations or from the state. Part of the requirement is that the proposal has to be submitted back to the state by mid September. If the city does not use the program, they owe nothing. If the city would use the program, they would only have to pay back twenty-five percent of the funds used.

Mr. Applegate said he thought the program was worth trying and other cities were working to get it passed. He added that this was part of the requirement to obtain the grant.

In response to a question from Mr. O'Callaghan, the city does not pay into it and would only pay twenty-five percent of what they borrowed if they would use funds from the program. Mr. Applegate said with the economic situation and people being laid off and needing to be retrained, he thought that it was worth it if the program gets the money. Mr. Applegate said the staff recommends the adoption of the resolution to support the program.

Mr. Bruns moved to have the one and only reading and adopt Resolution 10-08. Mayor Goudy seconded the motion. All concurred and Resolution 10-08 was adopted on the first reading.

4. ONE READING - RESOLUTION 10-09 - A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF UNION ON BEHALF OF THE STATE OF OHIO TO REIMBURSE ITS CAPITAL IMPROVEMENT WATER FUND FOR THE SHAW ROAD ELEVATED WATER TANK RECOATING PROJECT CD23N WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

Mr. Applegate said this is one of the requirements for the Issue II program to obtain loan approval to paint the existing water tower at zero percent interest.

Mr. Bruns moved that they have the one and only reading and adopt Resolution 10-09. Mrs. Oberer seconded the motion. All concurred and Resolution 10-09 was adopted.

5. ONE READING - RESOLUTION 10-10 - A RESOLUTION AUTHORIZING THE CITY OF UNION TO PREPARE AND SUBMIT

MONTGOMERY/HAWKER STREET WATER MAIN REPLACEMENT PHASE II APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

Mr. Applegate said this was for the next funding round of Issue II. The city is proposing to submit two applications. Earlier the city had received funding for Maplegarden/Parkgrove and Montgomery Street, replacing a four inch water line. Resolution 10-10 would be for the Phase II application, asking for a ten percent local match for a ninety percent grant. This resolution is part of the requirements acknowledging that they agree to submit the application.

Mr. Bruns moved to have the one and only reading and adopt Resolution 10-10. Mr. Blackwell seconded the motion. All concurred and Resolution 10-10 was adopted on the first reading.

6. ONE READING – RESOLUTION 10-11 - A RESOLUTION AUTHORIZING THE CITY OF UNION TO PREPARE AND SUBMIT CONCORDS FARMS WEST LOW FLOW CHANNEL REHABILITATION PHASE I APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED.

Mr. Applegate explained that this was the second application and concerns the storm water channel that flows through Concord Farms West. Part of the channel also goes through Concord West Park. Those areas are slope sides with grass bottoms. Over the years, because of the storms and water runoff, silt has built up and the city has to clean that out. What they would like to do is to install a four foot wide, two feet high concrete channel which would always maintain the grade and allow the storm water to properly disburse through the city. There is roughly twelve hundred acres to the west and south, on Sweet Potato and Haber Road and is partly in Clayton. Part of the channel comes out on Phillipsburg-Union Road by Irongate, and they would like to put a channel in the area by Rinehart Road. Mr. Bruns asked if this project was also a ninety percent/ten percent project and Mr. Applegate said it was not. Mr. Applegate said this would be ten percent local, a loan of twenty percent and a grant of seventy percent.

The water has eroded an area by Concord West Park and this project will improve that. Mr. Applegate said they would like to submit this application also.

Mr. Bruns moved to have the one and only reading and adopt Resolution 10-11. The motion was seconded by Mr. O'Callaghan. All concurred and Resolution 10-11 was adopted on the first reading.

## 7. Open Agenda

Mayor Goudy welcomed Boy Scouts from Troop 246 who were working on their government badge.

Mr. O'Callaghan commented on the mowing and that it was being fairly dry now. Mr. Applegate said it had been wet overall and that they had trouble keeping up with their mowing. Mr. Applegate said generally they had good compliance from builders but he had received complaints from the builders about having to keep up with the mowing of their lots and they may need to address that. Mr. Applegate said the builders sometimes need more time to mow their building lots.

Mr. Applegate said this is the first complaint that they have had. He said a building lot is not like a lot with a home on it and Mr. O'Callaghan agreed. Mr. Applegate said they will be watching the area closely and the owner will be doing the best he can do.

Mrs. Oberer reminded everyone that school starts in one week.

Mr. Bruns asked if the city had a lot of repeat offenders regarding the mowing. Mr. Applegate said the city cites a lot of people. Mr. Applegate said they sent another notice because they wanted to respond to the resident's complaint. In response to some of the questions from the council, the price to cut a lot depends on if it is acreage and if the lot needs to be cleaned up. There is no fine from the city or money charged for the citation. The only charge is what they pay for the mowing. The city places the charges for the mowing on taxes. Mr. Applegate said most of the builders are behind on their taxes on the building lots so the city may not get the money which is why they may look at taking some of this mowing on themselves.

Mr. Applegate added that when he drives around and looks at the city, it looks pretty good.

Mayor Goudy wanted to compliment the police department, staff, fire department, and city workers. She said she had received a letter thanking the police department and she read a portion of the letter to the council.

Mr. Applegate said they were getting close to opening Old Springfield Road. It was set to be striped and they were fixing the yards so they were very close to being done with the project. They are also working on the parking lot close to city hall.

8. Mr. Bruns moved that the council meeting be adjourned. Mayor Goudy seconded the motion. All concurred and the August 9, 2010 council meeting was adjourned.

Respectfully submitted,

---

Denise A. Winemiller,  
Clerk of Council

---

Michael O'Callaghan, Vice Mayor